

Curling, Donna v. Raffensperger, Brad

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTH DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,

PLAINTIFFS,

v.

BRAD RAFFENSPERGER, ET AL.,

DEFENDANTS.

)

) CIVIL ACTION NO.

) 1:17-CV-2989-AT

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DEPOSITION OF DONNA PRICE
(TAKEN by DEFENDANTS)
ATTENDING VIA ZOOM IN FULTON COUNTY, GEORGIA
MARCH 8, 2022

REPORTED BY: Meredith R. Schramek
Registered Professional Reporter
Notary Public
(Via Zoom in Mecklenburg County,
North Carolina)

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Deposition of Donna Price, taken by the
defendants via Zoom on the 8th day of March, 2022, at
10:12 a.m., before Meredith R. Schramek, RPR, Notary
Public.

C O N T E N T S

The Witness: DONNA PRICE

Examination By Mr. Russo5

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1 period of time when Georgia was using DRE machines?

2 A That's correct.

3 Q And who were you a poll watcher for?

4 A What party? What political party?

5 Q Correct.

6 THE WITNESS: Do I have to answer that?

7 MR. CROSS: Was it public? It is public
8 record.

9 THE WITNESS: Democratic Party.

10 BY MR. RUSSO:

11 Q Okay. And did you receive any training for
12 your poll watcher duties?

13 A I think we were sent -- we either downloaded
14 from the Internet or were sent a packet with
15 information about how to behave, you know, how to
16 conduct ourselves, and what we could and could not do.

17 Q And did you receive any training around the
18 voting equipment?

19 A Secretary Cox, Cathy Cox and Kathy Rogers
20 held some information workshops that I attended. I
21 can't remember if it was one or more. But I did go to
22 those. And they explained how the machines worked and
23 basically how elections were run on the DREs with
24 slides and presentations.

25 Q And did the -- did any of that training

1 include aspects around the hardware or programming of
2 the machines?

3 A I don't think so.

4 Q Have you ever received training or education
5 related to computer programming or security -- computer
6 security?

7 A Like a formal program?

8 Q We can -- I mean, if it's a -- we can start
9 with that. Is there a formal -- have you ever received
10 any training or education, a formal program around
11 computer security or computer programming?

12 A I received web development training, you
13 know, writing code for web development. I worked at
14 Emory University. So I took classes.

15 Q Tell me about that. What was that training?
16 Was it a course or a program?

17 A I took courses in various softwares that are
18 used for developing -- writing code for websites.

19 Q And when was that?

20 A I worked at Emory for 27 years. So it was
21 during that time that I worked at Emory.

22 Q When did you stop working at Emory?

23 A May the -- May last year, 2021.

24 Q So when do you recall when the last course
25 you took was?

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1 A Maybe -- well, I couldn't speculate. It was
2 in my early years. So probably within the first ten
3 years of my employment at Emory.

4 Q And you started in about 1995 or '4?

5 A I think it was 1994.

6 Q You founded Georgians for Verified Voting; is
7 that correct?

8 A That's correct.

9 Q And why did you -- excuse me. Why did you
10 found -- why did you start Georgians for Verified
11 Voting?

12 A I was concerned about the voting system, the
13 security reliability and verifiability of the voting
14 system in Georgia, the DRE voting system.

15 Q And what do you mean by the "security,
16 reliability, and verifiability of the DRE system"?

17 A Well, the transparency because the -- what I
18 had learned by 2003 was that the election system was
19 all electronic. And so there was no
20 software-independent way to determine the election
21 results other than the software code.

22 Q And so how did you learn about the system
23 that raised these concerns?

24 A I found experts to talk to and started
25 funding studies.

1 Q And what were the security concerns
2 specifically that you'd learned about?

3 A What I understood was that -- and this was
4 from a National Institutes of Standards and Technology
5 white paper is that voting systems needed a software
6 independent mechanism for -- that would -- that could
7 be used to compare against the election results from
8 the software code.

9 Q Can you explain that further, the software
10 independent mechanism? What is that?

11 A For example, if the software code is all on
12 computer, it's electronic, then a software independent
13 is a paper record.

14 Q So then -- all on a computer and has a paper
15 record. It's -- it -- but it would not be a software
16 independent mechanism.

17 Is that what I understand you saying?

18 (Reporter clarification.)

19 Q So if the -- you said it's -- the software
20 independent system is one that is -- is not all
21 electronic and has a paper component. And so I was
22 simply asking if it -- the system has any paper
23 component and then it's, according to you, a software
24 independent mechanism; is that correct?

25 I'm just trying to understand what -- exactly

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1 A I don't recall having ballot marking devices
2 back then. I think it was about 2006, maybe -- 2004,
3 2006.

4 Q How would this definition apply differently
5 to a ballot marking device?

6 MR. CROSS: Objection to form. Calls for an
7 expert conclusion.

8 BY MR. RUSSO:

9 Q In your opinion, how would -- how would this
10 definition be different for a ballot marking device?

11 MR. CROSS: Same objection.

12 You can answer.

13 THE WITNESS: Okay. Ballot marking device --
14 the ballot marking device that's used in Georgia does
15 not have a voter-verified paper ballot.

16 BY MR. RUSSO:

17 Q And can you explain to me how -- then what --
18 what do you believe is a voter-verified paper ballot
19 for a ballot marking device?

20 A For a ballot marking device or the Georgia
21 election system ballot marking device?

22 Q We can just go with a ballot marking device
23 generally for now.

24 MR. CROSS: Objection. Form. Overbroad and
25 calls for an expert conclusion.

1 yes.

2 A Oh, okay.

3 Q So it appears you've got a fairly lengthy
4 voting record; right? You've been voting for many
5 years; right?

6 A I've voted for many years, yes.

7 Q And looking at the ballot type, it appears
8 that in -- up to 2018, the general election, you had
9 voted a regular ballot, so in person.

10 Does that -- does that sound correct to you?

11 A I don't remember when I first started voting
12 on an absentee ballot. So I would have to use your
13 record as -- when I started, but I don't remember.

14 Q Do you -- do you -- does the record look
15 accurate to you in terms of that -- that timing of 2018
16 when you started voting absentee?

17 MR. CROSS: Objection. Speculative.

18 BY MR. RUSSO:

19 Q Well, what I want to ask is, you know,
20 since -- it shows here that you voted absentee in the
21 general election in 2018 and since that time.

22 Do you recall any time since 2018 that you
23 have not voted absentee by mail?

24 A No, I don't.

25 Q Okay. And prior to 2018, your record

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1 A That's correct.

2 Q And do you -- do you have any evidence that
3 any of those absentee ballots weren't accurately
4 counted?

5 A I have no evidence that they were or were not
6 accurately counted.

7 Q You said you have no evidence that they were
8 or were not? I'm sorry. My speaker cut out.

9 A Yes. I have no evidence they were or were
10 not counted accurately.

11 Q And do you have any evidence that any of the
12 votes you cast on the DRE machines were altered in any
13 way?

14 A No, I do not.

15 Q What about for the absentee ballots that you
16 voted, do you have any -- any evidence that -- that any
17 of the votes you cast on an absentee ballot were
18 altered in any way?

19 A I'm sorry. Could you repeat that?

20 Q For the absentee ballots that you voted, do
21 you have any evidence that any of those ballots were
22 ever altered in any way?

23 A No, I don't.

24 Q And you stated earlier that you have not
25 voted on a BMD ballot, the new current system. When I

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1 refer to a BMD ballot, unless I say otherwise, I'm
2 referring to Georgia's current voting system.

3 A I have not voted on a ballot marking device
4 in Georgia's current voting system.

5 Q And do you have any plans to vote on one in
6 the future?

7 A I do not.

8 Q Well, you plan to vote absentee by an
9 absentee paper ballot in the future; is that right?

10 MR. CROSS: Vincent, can you ask it again?
11 You kind of got hung up.

12 BY MR. RUSSO:

13 Q I'm sorry. I said so you said you plan to
14 vote absentee paper ballots in the future by mail-in
15 ballot?

16 A As long as the voting system is the current
17 ballot marking device voting system, that's correct. I
18 plan to vote absentee by paper ballot.

19 (Exhibit 4 Marked for Identification.)

20 BY MR. RUSSO:

21 Q Give me one second. I apologize here.
22 Marked as Exhibit 4 -- and let me know when you have
23 it.

24 MR. CROSS: We have it.
25

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1 BY MR. RUSSO:

2 Q Okay. I've marked the Curling -- what we've
3 been calling the Curling plaintiffs, such as Donna
4 Curling, yourself, and Jeffrey Schoenberg. When I
5 refer to the Curling plaintiffs, that's what I'm --
6 that is who I'm referring to. Is that acceptable for
7 you?

8 A Yes.

9 Q And so I'm showing you what's been marked as
10 Exhibit 4, the third amended complaint of the Curling
11 plaintiffs. Have you -- have you seen this document
12 before?

13 A So that's 2019. To the best of my knowledge,
14 yes.

15 Q And I want to turn to paragraph 16 of the
16 complaint. It is on page 8.

17 A Yes.

18 Q And it says, "Plaintiff Donna Price as an
19 elector of the state of Georgia and a resident of
20 DeKalb County." Do you see that?

21 A Yes, I do.

22 Q And are you still a resident -- you're still
23 a resident of DeKalb County; correct?

24 A Yes.

25 Q And if you go down to about the ninth line,

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1 it states, "Without the intervention of this Court,
2 Price will be compelled to choose between relinquishing
3 her right to vote and acquiescing to cast her vote
4 under a system that violates her right to vote and to
5 have her vote accurately counted." Do you see that?

6 A I see that.

7 Q And please explain how you'd be compelled to
8 choose between relinquishing your right to vote and
9 acquiescing to cast your vote under a system that
10 violates your right to vote and to have your vote
11 accurately counted unless the Court intervenes.

12 MR. CROSS: Objection. Call for a legal
13 conclusion.

14 You can answer, Ms. Price.

15 THE WITNESS: I agree to what that says,
16 that, if I have to vote on the current voting system,
17 that it does relinquish my right to vote -- to cast a
18 vote under a system that violates my right to vote and
19 have my vote accurately counted.

20 BY MR. RUSSO:

21 Q And how is that?

22 MR. CROSS: Same objection.

23 THE WITNESS: If I vote on the electronic --
24 the current BMD system, I'm not able to cast a
25 voter-verified paper ballot. If I go onto the -- and

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1 also, if I vote under the absentee ballot system, there
2 are lots of barriers to being able to cast my vote.
3 And then once I do, I'm not able to, for instance, feed
4 that ballot -- see that that ballot is actually fed
5 into the lockbox, the optical scanner and lockbox at
6 the precinct, like my fellow voters can do if they're
7 using the BMD.

8 And I know that the -- that Georgia does not
9 currently have postelection risk limiting audits. And
10 that is another component to being able to secure my
11 right to vote.

12 BY MR. RUSSO:

13 Q And you would agree with me, though, that
14 your -- you'd still be able to cast a ballot -- does
15 that -- on a BMD if you voted in person; correct?

16 A I don't agree that I would not be able to
17 cast a voter-verified ballot.

18 Q But would you -- my question is you would be
19 able to cast a ballot; correct?

20 A Well, a voter-verified ballot is an essential
21 record of my selections in the election.

22 Q And I -- I understand that you are saying you
23 want to be able to cast a voter-verified paper ballot.
24 And based on your understanding of a voter -- what that
25 means, I'm simply asking: There's no -- if you went to

1 go vote in the next election in person, there's no --
2 there's no other reason you'd be denied the opportunity
3 to vote?

4 MR. CROSS: Objection. Calls for
5 speculation. Vague.

6 THE WITNESS: My understanding, if I vote on
7 a ballot marking device, is that the votes are
8 encompassed in a QR code; and I cannot validate that
9 those are the ballots -- the selections that I made.
10 The QR code is what's read by the scanner.

11 So I would not be able to vote in a
12 constitutional manner just only considering that first
13 part of the process, which is marking the ballot on the
14 ballot marking device and printing it out.

15 BY MR. RUSSO:

16 Q And I -- and I'm just trying to understand
17 how you would not be able to use the device. I
18 understand that you have a difference in -- in thought
19 of what is a voter-verified paper ballot, but what
20 other burdens are there on your right to vote?

21 A The primary record of my vote is a
22 voter-verified paper ballot. Without that, there's no
23 primary record. There's no record that I have verified
24 to say that that's the votes -- those are the
25 selections that I made for candidates and issues.

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1 Q Well, let me ask this: Are there any other
2 burdens on your right to vote in person -- or on voting
3 in person, I should say -- and I -- excuse me. Any
4 other burdens on voting in person that -- that you --
5 you believe you'd experience if you voted in person?

6 A I believe I would just be going through the
7 motions of an action that simulates voting. But
8 without a voter-verified paper ballot, I wouldn't be --
9 I wouldn't be voting. I'd be giving that -- my vote to
10 whoever is -- and whatever is determining what's in
11 that QR code. So that's not transparent.

12 I think that a voter verification and the
13 transparency at that beginning step of in-person voting
14 today on Georgia's BMD election system is a barrier to
15 my ability to vote.

16 Q Do you have any evidence of the -- any QR
17 codes on the BMD ballot containing votes, summaries
18 that are different than those listed on the paper
19 ballot?

20 A Well, I can't read a QR code. So I couldn't
21 have any evidence.

22 Q Do you have -- okay.

23 Do you have any evidence of anyone -- any
24 voter who has selected a candidate on the touch screen
25 of the ballot marking device and the printout has been

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1 different -- has printed a different name than the
2 individual selected?

3 A I have no personal evidence. I have the
4 knowledge of -- that I've gotten from experts and in
5 our lawsuit -- our experts' declarations that --
6 they're the authorities on it since I'm not an expert
7 on the technology.

8 Q So you've reviewed the declarations of the
9 experts in this case; is that correct?

10 A I've reviewed the declarations that are not
11 privileged and confidential. And those that -- I
12 understand that there is information from our experts
13 that is confidential that might inform me more. But I
14 haven't -- I haven't been able to see that.

15 Q You stated earlier about the transparency
16 with the BMD and the QR code and knowing what vote
17 selections are contained within that QR code. And I
18 just want to make sure I understand. That -- that is
19 the scope of your complaint with the current BMD
20 system; is that right?

21 MR. CROSS: Objection to form.

22 THE WITNESS: No. That's not correct.

23 BY MR. RUSSO:

24 Q So what is this -- what is, then, the scope?

25 A The scope includes voter -- lack of voter

1 verification, nontransparency, concerns about the
2 security of the election system, and the fact that the
3 election system doesn't include postelection risk
4 limiting audits.

5 Q That's -- so that's the full scope?

6 A That's also -- that's also the possibility of
7 the -- other than malfeasance or security problems,
8 just problems with the technology, errors that can be
9 made. So all of the components that I mentioned are
10 essential for -- to protect my constitutional right to
11 cast a vote and have a reasonable -- reasonable
12 expectation that that vote was counted as cast.

13 Q And how is that different from every voter's
14 reasonable expectation?

15 MR. CROSS: Objection to form. Calls for
16 speculation.

17 BY MR. RUSSO:

18 Q Don't you agree every voter wants to have
19 their vote counted accurately?

20 MR. CROSS: Objection to form. Calls for
21 speculation.

22 THE WITNESS: I can only speak for myself.

23 BY MR. RUSSO:

24 Q So you -- you don't think other voters want
25 to have their ballot counted accurately?

1 you're referencing?

2 MR. CROSS: Objection. Misstates her
3 testimony.

4 THE WITNESS: Well, I've already answered
5 that question.

6 BY MR. RUSSO:

7 Q Well, it misstates your testimony because you
8 didn't actually answer it. Well -- so do -- you don't
9 have any then -- any particular elections that you
10 believe the results are indeterminable?

11 MR. CROSS: Asked and answered.

12 THE WITNESS: I've already answered that
13 question.

14 MR. RUSSO: Okay. And, again, the answer's
15 nonresponsive.

16 BY MR. RUSSO:

17 Q What about -- you mentioned the DREs. So
18 what about -- or excuse me, BMDs. What about the BMDs?
19 Which -- which election results that -- for elections
20 that were conducted using BMDs are indeterminable?

21 A I would say all of them.

22 Q So is it your -- is it your belief that the
23 results of the 2020 general election are -- were
24 indeterminable?

25 A I don't know if the election results were

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1 BY MR. RUSSO:

2 Q So you don't know what relief you're seeking?

3 MR. CROSS: Objection. Mischaracterizes her
4 testimony.

5 BY MR. RUSSO:

6 Q Do you know what relief you're seeking?

7 A For myself, I know that I'm seeking
8 constitutional right to vote on the election system in
9 Georgia and have a reasonable assurance that my vote
10 will be counted as cast.

11 Q And how would you -- how would you know that
12 your vote is counted as cast under the system that you
13 would like?

14 MR. CROSS: Objection. Calls for expert
15 conclusion.

16 You can answer.

17 THE WITNESS: I rely on the information that
18 I'm given by experts who have testified and provided
19 information for our lawsuit, and other experts on what
20 is a secure, accurate, verifiable, auditable voting
21 system, what's a constitutional voting system.

22 BY MR. RUSSO:

23 Q So you're relying on your experts?

24 A That's correct. And the knowledge of
25 experts. And I wonder if we could take a break.

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1 is. If we were sitting in court, and you asked a lay
2 witness for an expert opinion --

3 MR. RUSSO: In court, it would be different,
4 of course.

5 MR. CROSS: It is an objection to form. It
6 is literally an objection to the form of the question.

7 If you want to rephrase, you're welcome to.

8 BY MR. RUSSO:

9 Q Ma'am -- Ms. Price, what is -- what is
10 your -- what is your opinion on whether a hacker trying
11 to access an election system makes such election system
12 untrustworthy?

13 MR. CROSS: I'll object as overbroad and
14 calls for speculation.

15 BY MR. RUSSO:

16 Q You can still answer it.

17 A Okay. From what I understand you're saying,
18 if experts say a voting system might be attacked and it
19 might -- or might be vulnerable to outside hackers,
20 then do I agree that that makes a voting system
21 vulnerable? Is that the question?

22 Q Sure.

23 A I think I have to rely on security experts,
24 voting security experts, to know whether a specific
25 system, meaning the Georgia BMD voting system, is

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1 vulnerable to attacks. And those voting experts --
2 voting system experts and security experts have
3 testified or made declarations in our lawsuit, some of
4 which I have not had access to. So my answer is I
5 would have to defer to the experts on that question to
6 answer that question.

7 Q Okay. Let's turn to paragraph 72 on page 23.
8 It states that the proposed election system will not be
9 substantially safer than the current system because
10 BMDs remain susceptible to manipulation, and the
11 proposed system does not provide any meaningful way for
12 a voter to audit their vote.

13 I'm trying to understand what you mean by
14 "substantially safer" in this allegation.

15 MR. CROSS: Objection. The document speaks
16 for itself.

17 THE WITNESS: Well, I agree to that
18 paragraph.

19 BY MR. RUSSO:

20 Q What would make the proposed election system
21 substantially safer than the current system, which I
22 think it's referring to DREs?

23 MR. CROSS: Objection. Calls for expert
24 opinion.

25 THE WITNESS: Georgia's no longer voting on

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1 Q I was just confirming that those are
2 accurate.

3 A Yes.

4 Q Now, turning to paragraph 10. It states "I
5 have learned of the extreme vulnerability of Georgia's
6 system to undetectable errors and malicious tampering
7 and the failure of the system to provide a
8 voter-verified mechanism independent of software for
9 auditing the electronic results." Do you see that?

10 A Yes.

11 Q And what -- how did you learn of the extreme
12 vulnerability referenced in this paragraph?

13 A I learned from experts.

14 Q And -- well, go ahead. I'm sorry.

15 A No. I was just going to say experts in the
16 field. So election integrity experts and technology
17 experts.

18 Q And do you recall any particular experts who
19 you learned from?

20 A Alex Halderman.

21 Q And what are the undetectable errors in
22 Georgia's voting system that you're referring to?

23 A Well, in this paragraph, I'm talking about
24 the vulnerability of the system to errors.

25 Q Okay. And can you explain that for me, what

1 you mean?

2 A I would have to refer to papers from the
3 courts and other information that I read or obtained
4 through the experts that I mentioned because I'm not a
5 technology, you know, a security technology expert.

6 Q And what do you -- what are the extreme
7 vulnerabilities to malicious tampering that you're
8 referencing?

9 A I think I've already answered that.

10 Q I don't believe we've talked about any
11 malicious tampering.

12 A It's vulnerability to tampering.

13 Q Right. So do you know of any vulnerability
14 to malicious tampering?

15 A Well, the Kennesaw elections system was
16 extreme vulnerability.

17 Q So to malicious tampering?

18 A It was a vulnerability.

19 Q And was it a vulnerability to malicious
20 tampering?

21 A From what I understand.

22 Q And tell me. What do you understand?

23 A Well, from what I can remember from the
24 report, passwords for getting into the system were
25 found. It's all in Logan Lam's report. So I'd have to

1 refer to that report or just defer to Logan Lam's
2 information about that report. That's just been
3 introduced into our lawsuit as expert information.

4 Q And you mentioned a server. Do you know
5 anything more about -- you know anything about the
6 server that you mentioned?

7 A Like, I did read the e-mails and I read the
8 reports from Kennesaw about the fact that that election
9 system at Kennesaw was left open to the Internet.

10 Q Do you have personal knowledge of any of
11 these issues, or are they reliant upon your experts?

12 A I didn't work at Kennesaw. I wasn't part of
13 the investigation.

14 Q I'm sorry. Go ahead.

15 A I wasn't involved in -- personally in any way
16 in the investigation or the FBI when they investigated
17 someone. I had no personal involvement in that
18 activity.

19 Q Now, earlier you testified that the
20 vulnerabilities -- and we've been referring to your
21 complaint -- the vulnerabilities in the DRE are the
22 same -- the security vulnerabilities are the same as
23 those in BMDs. Do you recall that?

24 MR. CROSS: Objection. Misstates her
25 testimony. That's not what she said.

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1 You keep reversing it. You keep turning it
2 around.

3 BY MR. RUSSO:

4 Q You just stated that the DREs, the
5 vulnerabilities to the DREs were due to compromise.
6 And my question is what are the vulnerabilities that
7 you believe exist in the BMD system?

8 MR. CROSS: Objection. Asked and answered
9 numerous times today. And calls for a legal -- expert
10 conclusion.

11 THE WITNESS: So as I've said before, there
12 are experts who have given their opinion in this
13 action, this lawsuit as to the vulnerabilities,
14 security vulnerabilities of the system and most of the
15 recent ones with the BMDs have gone -- have been
16 confidential. So I haven't read those reports. And I
17 would just be -- even if I had read them, it's the
18 experts who came to those conclusions.

19 BY MR. RUSSO:

20 Q Okay. Turning to paragraph 11 on the last
21 page of your declaration, it states "I became even more
22 concerned about the security of Georgia elections in
23 the light of the public disclosure that an election
24 server administered by the state's contractor, Center
25 for Election Systems at Kennesaw State University, left

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1 critical election data open on the Internet without a
2 firewall in at least 2016 and 2017 susceptible to
3 anyone with Internet access."

4 Now, how do you know that this server was
5 accessible to anyone with Internet access?

6 A Because that's what the experts say. And the
7 report was from Kennesaw. And the news reports.

8 Q You refer to, again, election server. What
9 do you mean here in this paragraph by "election
10 server"?

11 MR. CROSS: Asked and answered.

12 MR. RUSSO: I don't think I asked her about
13 this paragraph.

14 MR. CROSS: You asked about the server.

15 Go ahead. He just wants you to repeat
16 yourself throughout the day today.

17 BY MR. RUSSO:

18 Q I'm just trying to understand if this is
19 what -- do you know anything about this election
20 server?

21 A Just what I read. I did have access to
22 e-mails, to news, to reporting from the Secretary of
23 State's office. So I -- you know, and Logan Lam's
24 declaration in our lawsuit.

25 Q And then you also mention here critical

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1 THE WITNESS: I have not handled the paper
2 record that's printed by BMD -- by the Dominion Voting
3 System BMD.

4 BY MR. RUSSO:

5 Q So you don't know based on that if it's
6 durable?

7 A I don't know if it's durable. That's
8 correct.

9 Q And then you go on to say you have no
10 confidence -- "I have no confidence that the results of
11 a given election conducted using the proposed election
12 system will be accurate or reliable."

13 And just so there's no confusion, that
14 defined, the capitalized term "Proposed Election
15 System" is referring to in paragraph 70 the Dominion
16 Voting System just to avoid any confusion.

17 So what do you mean that you have no
18 confidence that the results of any given election
19 conducted on the Dominion BMD system are accurate and
20 reliable or will be accurate and reliable?

21 A Well, for one, I can't read bar codes. So
22 does the proposed election system which is the current
23 Dominion ballot marking device system does not allow me
24 to cast voter-verifiable -- voter-verified ballot.

25 Q And so any election conducted on a BMD system

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1 you have no confidence in the accuracy and the
2 reliability of the election results?

3 A Well, that's what I said. Without a durable
4 vote -- voter-verified record to audit, I can't have
5 confidence that the results are accurate and reliable.

6 Q And what would be a type of audit that -- if
7 you could select, you know, any type of audit that
8 Georgia would have, what would be the type of audit
9 that would give you that confidence?

10 A Well, this particular paragraph is talking
11 about having the voter-verified ballot and having the
12 bar code being a problem with that. It doesn't address
13 what kind of audit.

14 Q I'm asking for you, what type of audit would
15 give you confidence? And that might mean that there is
16 none.

17 A I think the experts have recommended
18 risk-limiting audits. And that's part of our lawsuit
19 too.

20 Q And paragraph 9 of this declaration says "I
21 understand that the proposed election system thus
22 suffers from systemic vulnerabilities to advanced
23 persistent threats just as Georgia's GEMS/DRE election
24 system does."

25 What is your understanding of the systemic

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1 vulnerabilities to advanced persistent threats
2 mentioned in this paragraph?

3 A I think that I've already answered that. But
4 without being able to verify that the ballot which I
5 mark as a voter or I mark my selections and I can't
6 verify those selections, then that's a threat to the
7 results of the election being accurate.

8 Q And what did you mean by "advanced persistent
9 threats" then?

10 A Well, I would think that an advanced
11 persistent threat would definitely describe what little
12 I know about the reports from our expert -- report from
13 Dr. Halderman that I have not read. But I think that
14 that would be --

15 Q And then in paragraph 11, you state "Were the
16 Court to order that Georgia cannot implement and use
17 the proposed election system but must instead use
18 hand-marked paper ballots for all voters who can hand
19 mark which a voter can review to verify that her votes
20 are cast as intended and would be counted as cast, I
21 would perceive less risk in casting my ballot in
22 person." Do you see that?

23 A Yes.

24 Q And I'm going to kind of focus on the part of
25 this that's referring to what you're asking and it's

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1 Now, the next sentence says "Unfortunately,
2 voting by absentee paper ballot imposes other burdens
3 on me as a voter and even potential disenfranchisement
4 entirely."

5 Now, you have -- what do you mean that voting
6 by absentee paper ballot poses other burdens on you?

7 MR. CROSS: Objection. Asked and answered.

8 BY MR. RUSSO:

9 Q I don't recall asking about the burdens from
10 absentee ballots. I did ask about burdens on you at
11 the -- what you believe to be the burdens on you for
12 having to vote on a BMD. So if you could just remind
13 me. What are -- what burdens are on you by voting by
14 absentee paper ballot?

15 A I believe in further statements on this
16 declaration, that it goes into more detail.

17 Q Could you point me?

18 A I can read it. It's like "I'm forced to
19 forgo the privilege, honor, and right to vote alongside
20 my fellow voters."

21 Q So that was the burden?

22 A Yeah. It goes on to other paragraphs
23 explaining that.

24 Q Okay. So if you want just tell me what those
25 other burdens are, it might help cut some of this down.

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1 I see what you're -- you're referring to the burdens
2 you say in paragraph 13. Is that what you're referring
3 to, "minefield"?

4 A I don't know if there were things earlier,
5 you know, between the paragraphs. But yes, that's
6 definitely some of them.

7 Q Okay. So it's your position that the
8 requirement to request an absentee ballot is a burden?

9 A Yes.

10 Q Now, you get to actually request -- make one
11 request, and it counts for all of the elections in an
12 entire cycle; isn't that right?

13 A Not necessarily.

14 Q Okay. And why is that? What do you mean?

15 A Well, for example, in the last primary that I
16 voted in -- and it's written about in this declaration,
17 the problems that I had. And I never really knew it
18 counted. I was sent an extra ballot by the Secretary
19 of State and I didn't know if I was -- because more
20 candidates had been added to the primary. And I didn't
21 know if the ballot that I sent in in February posted
22 those elections, which it was only a couple, were
23 counted or should I vote on the new one that I was
24 sent. And so I tore it up because I knew the threat
25 that people, you know, were being accused of voting

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CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA)

COUNTY OF MECKLENBURG)

I, MEREDITH R. SCHRAMEK, hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

I further certify that I have no direct contract with any party in this action, and my compensation is based solely on the terms of my subcontractor agreement.

Nothing in the arrangements made for this proceeding impacts my absolute commitment to serve all parties as an impartial officer of the court.

This, the 14th of



MEREDITH R. SCHRAMEK, RPR, CCR 3040